

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

INVOKANA PLAINTIFFS, : Civil Action Nos. [A list of all pending
Plaintiffs, : cases before this Court is
v. : attached hereto Exhibit A]
JANSSEN PHARMACEUTICALS, INC., :
et al. :
Defendants. :

CASE MANAGEMENT ORDER #2

THESE MATTERS having been assigned to the Honorable Brian R. Martinotti, U.S.D.J. on August 8, 2016, by the Order of Chief Judge Jerome B. Simandle, and the Court having reviewed the individual dockets and all pending motions, conducting a status conference on October 5, 2016, with the Honorable Lois H. Goodman, U.S.M.J. also presiding, counsel appearing, for good cause shown and for the reasons set forth on the record,

IT IS on this 5th day of October 2016,

ORDERED

I. STATUS OF “MDL”

On September 21, 2016, this Court received notice from the Judicial Panel on Multidistrict Litigation (“Panel”) of a motion to transfer these matters for inclusion in *In re Invokana (Canagliflozin) Products Liability Litigation* (MDL No. 2750). The Court will advise the Panel of the administrative termination of the motions to dismiss as set forth below.

II. MOTIONS TO DISMISS

All pending motions to dismiss are hereby administratively terminated without prejudice. The time for defendants to file an answer or responsive pleading is hereby extended to thirty (30) days from the filing of an amended complaint or advisement that there will be no amended complaint.

III. COMPLIANCE WITH PRIOR ORDERS

1) Appointment of the PSC:

- a) Mr. Seeger will continue as interim liaison counsel as defined in August 29, 2016, Order (“CMO #1”). The Court hereby appoints Michael London, Esq. and James Cecchi, Esq. as interim co-liaison counsel.

2) Counsel shall continue to meet and confer on the following matters, and advise the Court as agreements are reached on a rolling basis:

- a) Short Form Complaint (“SFC”), crafted to survive a motion to dismiss;
- b) Short Form Answer (“SFA”);
- c) Plaintiffs’ Fact Sheet (“PFS”);
- d) Defendants’ Fact Sheet (“DFS”);
- e) Discovery Confidentiality Order (“DCO”);
- f) Preservation Order;
- g) ESI Order;

- h) Parameters of discovery; and
- i) Proposal for cross-referencing of all related cases and submission to the Court of documents and other filings until this matter is (if at all) classified as a MDL.

IV. CASE MANAGEMENT

See section III.

V. DISCOVERY

- 1) Judge Goodman shall preside over all discovery matters. All motions to seal shall be filed as omnibus motions.

VI. GENERAL/SCHEDULING

- 1) The next CMC is scheduled for November 15, 2016, at 11:00am. Liaison counsel shall appear at 10:00am.
- 2) Counsel is required to submit a joint agenda five (5) days prior to the next scheduled conference, which shall include an up to date list of Invokana cases pending in this Court. If there are any disagreements as to the agenda, counsel shall set forth each parties' position.
- 3) Counsel may contact Judge Martinotti or Judge Goodman *ex parte* for the purpose of settlement discussions only.
- 4) Counsel is required to abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

/s/ Brian R. Martinotti

BRIAN R. MARTINOTTI, U.S.D.J.

EXHIBIT A

List of cases pending before this Court

15-8070 PUENTE	16-4490 SUTHERLAND
16-1786 BENJAMIN	16-6046 GREEN
16-1787 PARTINGTON	16-5940 SANDERS
16-1897 ANDERS	16-5316 LEMKE
16-1898 SWINNEY	16-5478 ERVIN
16-1931 SEIFRIED	16-5645 BUCHANAN
16-2048 BOWLING	16-5683 WILLIAMS
16-2050 ROBERTSON	16-5479 SARKISYAN
16-2278 HUMPIRIES	16-5674 HUDSON
16-2361 GARCIA	16-5682 STRINGER
16-2386 MILBURN	16-5676 KEMP
16-2938 KUNO	16-5388 MULLIN
16-3114 THOMPSON	16-5394 ERWAY
16-3362 HENDERSON	16-5677 LUNA
16-3993 SCHNITZER	16-5383 JOHNSTON
16-4024 WADDLE	16-5681 POOLE
16-4136 WARREN	16-5649 FELIX
16-4484 DESALIS	16-5696 WOOD
16-4485 FOREHAND	16-6049 MOREY
16-4486 JACKSON	16-6143 PUGA
16-4489 ROGERS	16-6183 SMITH
	16-6192 SWEARINGEN